



Federal Communications Commission
Washington, D.C. 20554

August 27, 2010

DA 10-1642

James J. R. Talbot
AT&T Inc.
1120 20th Street, NW
Washington, D.C. 20036

Re: WT Docket No. 07-293, Fixed Customer Premises Equipment Outdoor
Antenna Restrictions

Dear Mr. Talbot:

For the reasons stated below, this letter ruling grants the request of AT&T Inc. for a limited waiver of the Commission's restrictions, under revised rule section 27.50(a)(2), on the use of outdoor antennas for certain fixed customer premises equipment (CPE) and on the use of certain outdoor CPE station installations.¹

On May 20, 2010, the Commission adopted the *WCS Report and Order*,² which revised certain technical rules for the 2.3 GHz Wireless Communications Service (WCS). The Commission revised section 27.50(a)(2) to specify requirements for fixed CPE transmitting in the 2.3 GHz WCS band. Revised section 27.50(a)(2), which becomes effective September 1, 2010,³ provides in part that "[t]he use of outdoor antennas for CPE stations or outdoor CPE station installations operating with 2 watts per 5 megahertz or less average EIRP is prohibited."⁴

AT&T states that it currently serves 116 customers (including 100 in Alaska) that have deployed either outdoor antennas for CPE stations or outdoor CPE station installations, which may not comply with revised section 27.50(a)(2).⁵ AT&T states that it intends to file a petition for reconsideration of the *WCS Report and Order*, WT Docket No. 07-293, to seek modification of section 27.50(a)(2) to allow outdoor

¹ AT&T filed the request on August 2, 2010 on behalf of its license subsidiaries, AWACS, Inc. and BellSouth Mobile Data, Inc. (collectively with its subsidiaries, AT&T) (AT&T Request).

² See Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band, WT Docket No. 07-293, *Report and Order (WCS Report and Order)*, Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band, IB Docket No. 95-91, *Second Report and Order*, FCC 10-82 (rel. May 20, 2010), *Erratum* (rel. Jun. 8, 2010), *Second Erratum* (rel. Jul. 14, 2010).

³ See *WCS Report and Order* (summary), published in the Federal Register on August 2, 2010, 75 Fed. Reg. 45058.

⁴ 47 C.F.R. § 27.50(a)(2).

⁵ AT&T Request at 2.

antennae and CPE station use, provided that it meets certain out of band emission (OOBE) requirements (AT&T Petition for Reconsideration).⁶

AT&T states that unless it is granted a limited waiver of section 27.50(a)(2), it must cease the use of noncompliant equipment on September 1, 2010.⁷ To avoid a disruption of service to its customers, AT&T asks that we allow it to continue to serve the 116 customers, while AT&T seeks reconsideration to permit outdoor antennae and CPE use that meets certain OOBE requirements.⁸

We find that grant of AT&T's limited waiver request will further the public interest by ensuring the continuity of service to AT&T's customers, while AT&T seeks reconsideration of revised section 27.50(a)(2). We also note that AT&T has consulted with the adjacent band satellite digital audio radio service (SDARS) licensee, Sirius XM, and that Sirius XM does not object to AT&T's limited request for relief.⁹

In view of the foregoing, we hereby grant AT&T a waiver, limited to the referenced 116 customers, of revised section 27.50(a)(2)'s prohibition on outdoor antennas for CPE stations or outdoor CPE station installations operating with 2 watts per 5 megahertz or less average EIRP.¹⁰ The Mobility Division reserves the right to terminate the waiver authority granted to AT&T hereunder if, as a result of AT&T's prospective Petition for Reconsideration, the Commission does not modify section 27.50(a)(2) to authorize use of the above referenced equipment in the 2.3 GHz band.

Action taken pursuant to 47 C.F.R. §§ 0.131, 1.3, and 1.925.¹¹

Sincerely,

Roger S. Noel
Chief, Mobility Division
Wireless Telecommunications Bureau

⁶ *Id.*

⁷ *Id.* at 3.

⁸ AT&T states it has WCS deployments scheduled at two additional customer sites during August 2010. AT&T Motion at 3 and n.3

⁹ See Letter from Brain Benison, Director, Federal Regulatory, AT&T, to Marlene H. Dortch, Secretary, FCC, dated August 23, 2010 (also noting that "Sirius XM reserves its right to seek reconsideration or review of the underlying obligations in current or future administrative or judicial proceedings").

¹⁰ 47 C.F.R. § 27.50(a)(2).

¹¹ See also *WCS Report and Order* ¶322 (delegating authority to the Wireless Telecommunications Bureau "to implement the policies set forth in the Report and Order in WT Docket No. 07-293").